

AGENDA ITEM 4

STATUS OF THE INTERNATIONAL TREATIES GOVERNING THE USE OF OUTER SPACE

STATEMENT BY THE DELEGATION OF THE UNITED STATES OF AMERICA

Mr. Chairman, under this standing item on the LSC agenda, each of us has the opportunity to comment in a more general way on the status of the space law treaties. I have four points.

First, the State Department's Treaty Office has provided me with some information for three of the space law instruments -- the Outer Space Treaty, the Agreement on the Rescue and Return of Astronauts, and the Liability Convention - for which the United States has the honor to serve as one of the depositaries. Since the Legal Subcommittee's last meeting in 2000, our Treaty Office has received notice of three actions. The United Arab Emirates deposited its instruments of accession to the Outer Space Treaty and the Liability Convention, and Spain deposited its instrument of accession to the Rescue and Return of Astronauts Agreement. With respect to the Registration Convention, for which the United States is not a depositary, we note that both Kazakhstan and the United

Arab Emirates deposited their instruments of accession during the past year.

My second point is that [T]he overall sense of my government is that the space law treaties continue to function well in today's increasingly complex environment. For example, the United States has recently been working with other governments concerned to address in an orderly and amicable way two cases requiring application of the Outer Space Treaty and the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space. Both situations involved space objects of U.S. origin that ended up on the territories of South Africa and Saudi Arabia, respectively. In both cases, the treaties provided an effective framework to deal with the situation cooperatively.

Third, I would like again to emphasize the position of the United States that we must all focus on our domestic implementation of the treaties. Each Party needs to examine its own domestic legal regime to ensure that it is doing what is needed to implement the treaties. The outer space treaties offer an effective and predictable framework only to the extent that each State Party implements them effectively.

This is especially so as the level of private commercial space activity increases. The treaties demand that States make certain that they have appropriate domestic regulatory mechanisms in place as required to ensure effective compliance. This "conscientious compliance" was one of the measures the LSC agreed on last year in closing out its separate agenda item on the treaties.

Finally, and again reiterating what the LSC -- as well as the Vienna Declaration from UNISPACE III -- concluded last year, states that are not parties to the core treaties should be called upon to ratify or accede to them. Several important States -- including some members of COPUOS -- have not accepted key treaties. This Subcommittee should continue to call for all states to consider seriously adhering to each of the four core treaties.

We look forward to hearing from others on these matters. Thank you, Mr. Chairman.